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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3549 OF 2007

Ram Namdeo Bonde .. Applicant

V/s

The State of Maharashtra .. Respondent

Mr.V.V. Purwant for the applicant.

Ms. Rajeshree M. Gadhvi, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 10TH DECEMBER 2007

P.C. :

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. The applicant is arrested in connection with the crime bearing C.R. No.D-1/2007 registered with the New Panvel Police Station for the alleged offences punishable under sections 302, 201, 365 read with 34 of the I.P.C.

3. One Ananta (hereinafter referred to as "the deceased") went missing on 18th October 2006. After 10

days, a missing report was lodged with the police station at Panvel by the brother of the deceased. On 25th February 2007, a dead human body was found. From the dead body, the person could not be identified and even his sex was not identifiable. On the post mortem, the doctor reported that the body was most probably of male person aged about 30+ years. The doctor could not give any opinion on the cause of death. On the basis of the identity card found, the police came to the conclusion that it was the dead body of the deceased. Thereafter, a First Information Report was lodged by the widow of the deceased on 12th February 2007. In the said FIR, for the first time she stated that the deceased was abducted by Ram Bonde and others. Thereupon, the applicant was arrested and is charged with the offence of murder. In the Sessions Court, the three other co-accused made an application for anticipatory bail and the same has been granted by the learned Adhoc Sessions Judge by an order dated 16th June 2007. However, by a separate order dated 26th July 2007, the application made by the present applicant was rejected.

4. The consideration that weighed with the learned Adhoc Sessions Judge in rejecting the application of the applicant is that the offence is of serious nature and there are specific allegation against the present

applicant. The specific allegation against the present applicant was made for the first time after more than 3 months since the time the deceased went missing. During the period of that 3 months, no allegation was made against the present applicant. The post mortem is inconclusive and the cause of death is not ascertained.

5. In the circumstances, taking an overall view of the matter and also taking into consideration the facts that (i) the deceased has a permanent place of residence at Panvel, (ii) the investigation is complete and the charge sheet is filed, (iii) the applicant is not named specifically in the missing report, (iv) considerable time would be required for the trial and decision, and (v) there is no allegation of likelihood of the applicant tampering with the evidence or running away, if the bail is granted, I am of the view that the applicant can be granted bail. Hence, I pass the following order.

ORDER

The applicant be released on bail on executing a personal bond of Rs.50,000/- with two sureties in the like amount subject to the following conditions:

(a) The applicant shall attend the New Panvel police

station once in a month between 1st and 10th day of every British calender month.

(b) The applicant shall not make any inducement nor give any threats to any of the prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(D.G. KARNIK, J.)